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December 4, 1996

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Printed Name of the Communication  
Docket No. 87-268

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**VIA HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

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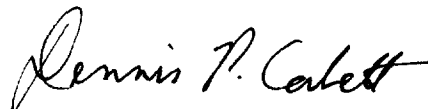
Re: MM Docket No. 87-268

Dear Mr. Caton:

On behalf of Crossville TV Limited Partnership, I am transmitting herewith an original and nine copies of its Comments in response to the Commission's Sixth Further Notice of Proposed Rulemaking, FCC-96-317 (released August 14, 1996) in the above -referenced proceeding. These Comments are being filed in accordance with an Order Extending Time for Filing Reply Comments, DA-1929, released November 20, 1996, in which the Commission made clear that it will accept late-filed comments "for a reasonable period of time" after the November 22, 1996 deadline. In light of that articulated policy, acceptance of these Comments is respectfully requested. See note 1 of the Comments.

Should there be any questions concerning this matter, please contact the undersigned.

Very truly yours,



Dennis P. Corbett

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Enclosures

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**BEFORE THE**  
**Federal Communications Commission**  
**WASHINGTON, D.C. 20554**

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Administrative Services Division

In the Matter of

Advanced Television Systems  
and Their Impact upon the  
Existing Television Broadcast  
Service

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MM Docket No. 87-268

To: The Commission

**COMMENTS OF CROSSVILLE TV LIMITED PARTNERSHIP**

Crossville TV Limited Partnership. ("Crossville TV"), by its attorneys, hereby comments on the Commission's Sixth Further Notice of Proposed Rulemaking in the above-captioned proceeding, FCC 96-317 (released August 14, 1996) ("Notice").<sup>1</sup>

Crossville TV supports the ongoing efforts by the Commission to facilitate the transition to digital television ("DTV") broadcasting. The Commission's draft DTV Table of Allotments, issued as part of the Notice, reaffirms the Commission's objective of providing full replication of existing NTSC service areas, and Crossville TV applauds the Commission's commitment to these principles. Although Crossville TV supports the Commission's general allotment and assignment scheme, Crossville TV respectfully submits that the Commission must

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<sup>1</sup> By an Order Extending Time for Filing Reply Comments, DA 96-1929, released November 20, 1996, the Commission made clear that it will accept late-filed comments "for a reasonable period of time" after the November 22, 1996 deadline. Because these comments are being filed within 7 business days of November 22 and more than one month in advance of the newly extended reply comment deadline (January 10, 1997), these comments satisfy the reasonable period of time test and should be accepted, relief which is respectfully requested.

modify its proposed policies towards certain facilities modification applications in order to insure a consistent and equitable transition to the digital broadcasting era.

**I. FACILITY MODIFICATION APPLICATIONS FOR EXISTING NTSC STATIONS FILED BEFORE JULY 25, 1996 SHOULD NOT BE CONDITIONED ON FUTURE DTV ALLOTMENTS**

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Prior to July 25, 1996, Crossville TV filed an application to modify its existing NTSC station WINT, Crossville, Tennessee (File No. BPCT-960118KF).<sup>2</sup> This application was filed to expand the station's coverage area and thereby provide better service to the viewing public. The Notice, however, requires that any applications *granted* after July 25, 1996, be conditioned on the outcome of the DTV proceeding, thereby leaving open the possibility that the Commission may require such facilities to be reduced or otherwise modified in a way that adversely affects the licensee and its viewers.

Crossville TV respectfully submits that applications on file by July 25 should receive the same treatment as applications granted before this date. In many cases, such as Crossville TV's, the modification application proposes a substantial improvement in facilities that will provide clear public interest benefits. Crossville TV's application was on file prior to release of the draft DTV conversion table which does not factor in modification applications like Crossville's, and substantial equities therefore weigh in Crossville TV's favor on this issue. The FCC should not relegate such applications to an ambiguous future where facilities improvements may be lost and grants may be effectively revoked.

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<sup>2</sup> That application was recently granted. See Rept. No. 43876, released November 27, 1996.

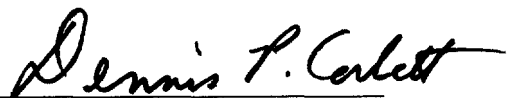
To prevent the wholesale devaluation of pending modification applications, the Commission should process such applications filed prior to July 25, 1996 without conditioning the grant of any of these applications on the outcome of the DTV proceeding. Furthermore, any such applications granted should be fully accommodated in the new digital world. The Commission should adhere to a consistent policy that treats similarly situated applicants in a fair and equitable fashion.

### CONCLUSION

For the foregoing reasons, the Commission should revise its Notice to protect pending minor facility modification applications filed prior to July 25, 1996.

Respectfully submitted,

CROSSVILLE TV LIMITED  
PARTNERSHIP

By:   
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